

Appl. No. 10/777,240
Docket No. 9505
Amdt. dated August 16, 2007
Reply to Office Action mailed on July 13, 2007
Customer No. 27752

RECEIVED
CENTRAL FAX CENTER
AUG 16 2007

REMARKS

Claim Status

Claims 1-35 are pending in the present application. Claims 16 -26 are allowed. Claims 27-35 are withdrawn from further consideration.

Claim 1 has been canceled and its limitations incorporated in to currently amended claim 2. Claims 3, 4, 7 and 8 have been amended such that they depend from currently amended claim 2, rather than canceled claim 1.

It is believed that these changes do not involve any introduction of new matter. Consequently, entry of these changes is believed to be in order and is respectfully requested.

Double Patenting

Claims 1, 4-8 and 13 are provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 36, 38, 40 and 41 of co-pending Application No. 10/289,936 in view of either Schmidt (US Pat. No. 3,812,273) or Ettischer et al. (US Pat. No. 4,696,615). According to MPEP § 2143.03, and the case law cited thereunder, "[t]o establish *prima facie* obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art." Applicants submit that co-pending Application No. '615 in view of either Schmidt or Ettischer et al. does not teach or suggest all of the claim limitations of currently amended claim 2 or of claims 4-8 and 13, which now depend directly or ultimately from claim 2, and thereby incorporate all of its claim limitations. Support for Applicants' submission is found in the Office Action, which states that claim 2 would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims, i.e., claim 1.

Objection for Dependence Upon Rejected Base Claim

Claims 2, 3, 9-12, 14 and 15 are objected to as being dependent upon a rejected base claim, claim 1, but would be allowable if rewritten in independent form including all of the limitation of the base claim and any intervening claims. As noted above, currently

Appl. No. 10/777,240
Docket No. 9505
Amdt. dated August 16, 2007
Reply to Office Action mailed on July 13, 2007
Customer No. 27752

amended claim 2 is rewritten in independent form including all of the limitations of claim 1. Claims 3, 9-12, 14 and 15 now depend directly or ultimately upon claim 2. Consequently, they are hereby placed in condition for allowance.

Conclusion

This response represents an earnest effort to place the present application in proper form and to distinguish the invention as claimed from the applied references. In view of the foregoing, entry of the amendments presented, reconsideration of this application and allowance of the pending claims are respectfully requested.

Respectfully submitted,

THE PROCTER & GAMBLE COMPANY

Date: August 16, 2007
Customer No. 27752

By 

Julie A. McConihay
Registration No. 55,439
(513) 627-4959